

1900-049 Chancery Causes: Solomon Stanton vs. Hester Stanton
Lee Co.

Tweed, Blankenship, Franklin, Gentry

CA-Divorce

T-Migration

Vices

To the Honorable H. A. W. Skeen,

Judge of the Circuit Court of Lee County, Virginia.

Your orator, Solomon Stanton, humbly complaining ~~would~~ show unto your Honor that he was lawfully married on February 10th, 1880, in the county of Madison and state of North Carolina to one Hester J. Tweed; that he lived with her as her lawful and dutiful husband until on or about January 1st, 1897; that at said time his said wife abandoned him, and from that time until the present time has refused to live with him and has continued apart from him. Your orator at that time moved to the state of Texas and provided a home and the means for his said wife to follow him, but she ^{refused and} did not do so. Subsequently, your orator removed to the county of Lee, state of Virginia, where he now resides and where he has resided for more than twelve months prior to the institution of this suit.

Since your orator has been separated from his said wife, he has learned what he did not know before, that she was guilty of adultery, and he now states and charges that in the month of September, ^{or Oct} 1897, in the said county of Madison and state of North Carolina at or near their said home behind the barn at said place while your orator was absent from home, she was guilty of adultery with a man who resided in that neighborhood. He further states and charges that about the last of ^{or Oct} ~~Sept~~ September, 1896, ~~or the first of January, 1897,~~ she was at their said home in said county also guilty of adultery and was seen in bed with a man residing in said neighborhood, while your orator was absent. He further states and charges that

-2-

and various other times
about June, 1898, in said neighborhood she was again guilty of adultery, having been seen riding for adulterous purposes behind her paramour one night on horseback.

Your orator states that he had no knowledge at the time and not until long afterwards of said acts of adultery; that he did not connive or procure the same; that he has not co-habited with his said wife since knowledge of said adulterous acts has come to him; and has not co-habited with her within the ~~xxx~~ the three years last occurring prior to the bringing of this suit. His said wife is not now, and never has been, a resident of the state of Virginia.

WHEREFORE, being without remedy save in a court of equity the prayer of your orator is: that the said Hester J. Stanton be made a party defendant to this bill and be required to answer the same, but not on oath; that order of publication may issue against her; and upon a hearing hereof, that your Honor will dissolve the bonds of matrimony heretofore existing between your orator and said defendant; and for such other and further and general relief as to equity may seem meet, your orator will ever pray &c.

Ort & Irvine, p.g.

^{O & S.}
Solomon Staniton
vs { Bill Chy.
Lester J Staniton

~~1900. 1st Feb'y rules~~
Bill filed & pa not
executed & could for O.P.
2nd Feb'y rules O.P. Com-
plete & cause set for
hearing.

March Term 1900. Decree
final See Chy Order
Book No 6 Page 353

Plaintiffs Costs
Clerk 4.20
Tax 1.50
Printer 5.00
Atty 15.00
\$26.10
N.P. 1.58
\$27.68

Success

1890 to 1900

8.

Salomon Stanton

Plaintiff

against

Hester J. Stanton

Defendant

In chancery.

This cause came on to be heard upon the bill of the plaintiff, the order of publication duly made, ^{and furnished} ~~and~~ ^{who fails to appear.} against the defendant, and the depositions of witnesses, and was argued by counsel.

On consideration thereof and the court being of opinion that the charge of adultery against the defendant has been proved.

It is adjudged, ordered and decreed that the bonds of matrimony heretofore existing between the plaintiff and defendant be ~~and~~ hereby dissolved, and the plaintiff is restored to ^{all} the rights ^{privileges} of a single man.

And nothing further remaining to be done in the Cause the same is ordered to be stricken from the docket.

Selamon Stantons
vs Decree Final
2/13
Letter of Stantons
Entered on Chy
O. B. No 6. P 353

Enter this decree.
H. A. W. Stantons
Mar 6th 1900.

The depositions of W. W. Stanton & N. M. Blankenship taken at the law office of Orr & Irwin in Jonesville Va, before the undersigned Notary Public in and for Lee County Va, on this the 10th day of February 1900 to be read as evidence in a chancery cause pending in the Circuit Court of Lee County Va in which Solomon Stanton is plaintiff and W. W. Stanton is defendant, and in which cause order of publication has been made and completed against the defendant.

Present - The plaintiff and James W Orr of his counsel.

The said W. W. Stanton a witness of lawful age and being duly sworn deposes and says.

Ques. - What is your age and where do you reside?

Ans. Seventeen years old. Lives in Lee Virginia. And I lived in Madison North Carolina before I came to this County.

Ques Are you acquainted with the parties to this suit, and if so how long have you known them?

Ans I am acquainted with them, and known them all my life.

Ques State whether or not the plaintiff & defendant when they lived together as husband & wife got along peaceably as husband & wife or otherwise?

Ans

They did not get along well together he seemed to treat her kindly, while she was quarrelsome and troublesome. I have heard him try to reconcile her and prevent her from quarreling. I have heard her tell him before and after he went to Texas, that she would not live with him and wished he was a thousand miles away.

Ques.

When did he go to Texas and what for?

Ans.

Went first of January 1897. for the purpose of selecting a place to live.

Ques.

Did she, or not, agree to go with him when he started or left home for Texas?

Ans.

She did agree to go.

Ques.

Did she go or afterwards refuse to go?

Ans.

She did not go but afterwards refused to go.

Ques.

After he returned from Texas did he or not request her to go with him to Texas, and what did she say and do?

Ans.

after he returned in Jan 1897. he tried to get her to go with him to Texas to live, but she refused to go. and said she would not live with him and wished he was a thousand miles away.

Ques.

Do you know of any improper conduct by the defendant with men other than her husband? If so state what it is?

Ans.

I saw her in bed with Amos Hensley in sept or October 1897. at a tobacco

barn, where she was having some tobacco cured. The bed was a bed used by the person in charge of the tobacco, where the persons in charge sleep of nights, while watching the fire curing the tobacco.

Ques. Have you seen any other misconduct by the defendant.

Ans. I saw her at an illicit distillery about the same time where this same man was at work at the distillery drinking and working about the distillery I saw her at a mother time buying some whiskey and intoxicated and hollowng and shooting along the road. This was along near the same time above referred to.

Ques. Has the plaintiff lived with or cohabited with the defendant since her conduct above detailed by you.

Ans. He has not.

Ques. Was her conduct detailed by you, by his consent, procurement or connivance?

Ans. It was not

Ques Have the parties lived together as man and wife since he went to Texas.

Ans They have not.

Ques. Where did the defendants misconduct occur detailed by you?

Ans In Madison County N. C.

Ques. Where does the plaintiff now reside?

Ans In Lee county Va. & has for over twelve months. She lives in Madison County N. C. And further this witness saith not.
W. H. Stormon.

Ques W. M. Blankenship another witness of lawful age and being first duly sworn deposes & says. Are you acquainted with the parties to this suit and if so how long have you known them?

Ans I am acquainted with the Plaintiff and have known him about fourteen months.

Ques Where does he reside and how long has he been there?

Ans Lives in this county and has for the said thirteen or fourteen months at least since Christmas 1898. Then was when I first knew him. And further this witness saith not.
W. M. Blankenship.

Virginia, Lee County, to wit: -

I C. C. Blankenship a Notary Public in and for the County aforesaid do certify that the foregoing depositions of W. W. Stanton, & H. M. Blankenship were duly taken subscribed and sworn to before me at the time and place and for the purposes in the caption mentioned, given under my hand February 10th 1900.

C. C. Blankenship. N. P.

Salomon Stanton
vs. { Defs.
Wester J. Stanton.
Filed Feb 10th 1900.

Solomon Stanton
Hester J. Stanton

On the Chancery Court
Lee County Virginia.

The Deposition of
A. H. Franklin of
White Rock Madison County W. Va.
Taken before me H. H. Whitcomb
Justice of the Peace for Green County
Pennsylvania at Mass Penn.
on the 19 day of February 1903.
which deposition is intended to
be read as evidence in behalf of
the plaintiff in a certain suit
in Chancery pending in the Circuit
Court of Lee County Va. in which
Solomon Stanton is plaintiff and
Hester J. Stanton defendant and
in which case an order of
publication has been made
against the defendant.

Present The plaintiff.

The said A. H. Franklin
a witness of lawful age and being
first duly sworn deposes and says.

Ques. What is your age and where
do you reside?

Ans. I am 45 years old and reside
at White Rock Madison Co. W. Va.

Ques. Are You acquainted with the parties to this suit, and if so how long have you known them?

Ans. I am, and have known them since they were children.

Ques. How did the parties to this suit get along together as man and wife while they lived together?

Ans. Very disagreeable. I lived on his place for two years and worked for him a good deal, and I never saw him mistreat her in any way. She was always quarreling with him and would not do her house work she would go off sometimes and stay until after dark and he would have to do his own cooking etc.

Ques. How long have they been separated?

Ans. About 3 years.

Ques. Did she refuse to live with him and if so state what she said about it.

Ans. She did, and refused to go to Texas with him and said she didn't care whether he ever came back from Texas or not.

Ques. Do you know of any misconduct upon the part of the defendant with other men if so state what it was giving time and place.

Ans. I do. I have seen her and a certain man standing talking together at 2 different times after dark, one time near her home about Feb. 1897. Next time about 2 1/2 miles from her home. She was off of her horse and seemed to be under the influence of liquor. Her hat was found next morning near the place.

Ques. Was the plaintiff lived or cohabited with the defendant since her misconduct?

Ans. He has not.

Ques. Was her misconduct by his consent, procurement or connivance?

Ans. It was not.

Ques. Where does the defendant now reside?

Ans. At White Rock Madison Co. N. C.

And further his witness said not.

Attest A. M. Waddle, Jr. ^{his} ~~mark~~ A. M. Franklin
Stella Whitcomb.

State of Tennessee Greene County
I, W. H. Whitcomb a Justice of the Peace
for said County do certify that the
foregoing deposition of A. M. Franklin
was duly taken, subscribed and
sworn to before me at the time and place
and for the purposes in the caption
mentioned. Given under my hand
and seal this 19 day of Feb. 1900

W. H. Whitcomb

J. D. for G. C.

Stanton
W. B.

Stanton

Solomon Stanton } In the Chancery Court
Hester J. Stanton } Lee County Va.

The Deposition of
R. M. Gentry of
White Rock Madison Co. N. C.
Taken before me W. H. Whitcomb
Justice of the Peace for Green
County Tennessee. At N. C.,
Tennessee, on the 19 day of
February, 1900, which Deposition
is intended to be read as evidence
in behalf of the Plaintiff in a
certain Suit in Chancery pending
in the Circuit Court of Lee County
Va. in which Solomon Stanton
is Plaintiff and Hester J. Stanton
Defendant, and in which Cause
an order of Publication has been
made against the Defendant.
Present- The Plaintiff.

The said R. M. Gentry a witness
of lawful age and being first
duly sworn deposes and says.

Ques. What is your age and where do you
reside.

Ans. I am 3, years old. and reside
at White Rock, Madison Co N. C.

Ques. Are you acquainted with the parties

to this suit and if so how long have you known them.

Ans. I am, and have known her from my boyhood up.

Ques. How did the parties to this suit get along together as man and wife while they lived together.

Ans. Very disagreeable. Mr. Stanton treated his wife very well, but she the said Hester J. Stanton treated her husband very badly, was always quarreling with him and very hard to get along with.

Ques. How long have they been separated?

Ans. About 3 years.

Ques. Did she refuse to live with him and if so state what she said about it?

Ans. She did, and said several times that she would not live with him, and that she did not want to live with him.

Ques. Do you know of any misconduct upon the part of the defendant with other men, if so state what it is

giving time and place.

Ans. I have seen her drunk several times. Once at her home at White Rock Madison Co. N.B. about 3 years ago last Christmas. I have also seen men call her out after night and stay for some time and her husband not at home. This was in Jan. 1899 and at other times I seen her behind a tobacco barn with a man about 150 yds from the road & about 100 yds from her house in the fall of 1898.

Ques. Was the plaintiff lived or cohabited with the defendant since her misconduct?

Ans. They have not.

Ques. Was her misconduct by her consent procurement or connivance?

Ans. It was not.

Ques. Where does the defendant now reside?

Ans. At White Rock Madison Co. N.B.
And further this witness saith not.

J. M. Gentay

State of Tennessee Greene County.
I H. H. Hitchmest Justice of the Peace
for said County do certify that
the foregoing deposition of A. M.
Gentry was duly taken subscribed
and sworn to before me at the time
and place and for the purposes
in the caption mentioned. Given
under my hand and seal
this the 19 day of February 1900

H. H. Hitchmest.

J. D. for H. H.

Solomon Stanton

Depositions

Hester Stanton

Received by mail
in good condition
and filed Feb 23rd

1900. H. B. Munsey Clerk

State of Virginia County of Lee, to wit.
I A. B. Munsey Clerk of the Circuit
Court of said County, do certify that
Solomon Stanton this day personally
appeared before me in my office
and made oath that Nester J. Stanton
is a nonresident of the State of Va.
Given under my hand this 17th day
of January 1900.

A. B. Munsey Clerk

Solomon Staunton
as } affi for C. P

Hester Staunton

Filed Jan'y 17th 1900

A B Munsey clk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Hester Stanton*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *1st* Monday in *February 1900*^{~~189~~}, to answer a
bill in chancery exhibited against *her* in our said court by *Solomon*
Stanton

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *17th* day of *January 1900*^{~~189~~}, and in the 12 *4th* year of the
Commonwealth.

A B Munsey Clerk

Solomon Stanton

US. {

SUBPOENA

IN CHANCERY

Hester Stanton

Ort + Irvine p. q.

To 1st Feby Rules.

1900. Circuit Court.

Not executed not found
in my bailiwick this
the 5th day of Feby 1900
W. J. Mickleham S. L. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Hester Stanton*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *1st* Monday in *February 1900*¹⁸⁹⁹, to answer a
bill in chancery exhibited against *her* in our said court by *Solomon*
Stanton

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *17th* day of *January 1900*¹⁸⁹⁹, and in the *12 4th* year of the
Commonwealth.

A. B. Munsey Clerk

Solomon Stanton

vs. {

SUBPOENA

IN CHANCERY

Hester Stanton

Orr & Irvine p. q.

To 1st Feby Rules.

1900. Circuit Court.

Not executed not
found in my bailiwick
this the 5th day of Feby

1900.
W. J. Milham S. L. C.

Gap, Va.

JAMES W.

ORDER OF PUBLICATION.

IN THE CLERK'S OFFICE OF THE CIRCUIT
COURT OF LEE, ON THE 17TH DAY OF
JANUARY, 1900.

Solomon Stanton, Plaintiff,
 against
Hester Stanton, Defendant. } In Chancery.

The object of this suit is to obtain a decree dissolving the bonds of matrimony heretofore contracted and now existing between the plaintiff and the defendant.

And an affidavit having been made and filed that the defendant, Hester Stanton, is not a resident of the State of Virginia, it is ordered that she do appear here within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the PENNINGTON GAP NEWS, and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the County Court.

A copy—Teste: A. B. MUNSEY, Clerk.
 ORR & IRVINE, p. q. 1-47-4t

ORDER OF PUBLICATION.

a sample of wheat and barley—its height is almost even with my shoulder, average 50 inches. Newcomers lacking binders can hire their grain cut for 75 cents per acre. Prairie chickens are here by the thousands. The water is good. We have a fine well 15 feet deep. In the creeks the water is soft and of a yellowish colour. Then again we are surrounded with bachelors; we have no less than 100.

Orr & Irvine,
Attorneys At Law,

Panesville, Virginia, Feb'y 18 1900.

State of Virginia

Lee County to wit.

I W. K. Hopkin Editor ^{of the} ~~of~~ the Pennington Gap News, a news paper published in Pennington Gap, Lee County Va. do hereby certify that the foregoing order of publication was duly ^{printed & published} in said paper for four successive weeks, from ~~the 7th day of Feb'y 29 1900~~, ending on the 8th day of Feb'y 1900,

Given under my hand this Feb'y 18th - 1900

W. K. Hopkin, Editor

Receipt of J. W. Orr atty for Plaintiff Five dollars The fee for publisher the above order. This Feb'y 18th - 1900.

W. K. Hopkin Editor

Salaman Stauton
vs { And Pub.
Hester Stauton